

June 5, 2013

Applying for a visitor's visa with a pending petition

Question: *“My mother has just started the process of filing an immigrant petition for me. My sister lives in the States and will be graduating soon, and I would love to attend, but I’m afraid the officer will not grant me a visa.”*

Consular Officers at the Embassy understand that many Jamaicans have relatives in the United States, and applicants are frequently issued visas to visit family there. Additionally, having an active immigrant petition does not automatically disqualify an individual from receiving a visitor visa. Often the immigration petition process can take years, and officers understand that you are following the rules and regulations for immigrating to the U.S., but still want to visit family while the process is ongoing. Every case is unique, and you will need to explain your personal circumstances to the Consular Officer during your interview. We encourage individuals who have pending immigrant visa applications to be forthcoming about their pending petition, their reasons for wanting to make short trips to the U.S. while they are waiting, and the ways that they remain connected to Jamaica at this time.

In general, individuals applying for a visitor visa for the first time must demonstrate to the interviewing officer that they overcome the concept of immigrant intent, meaning that they have strong enough connections to their home country to cause them to return after a temporary stay in the United States. These connections can be through one’s employment, family, church, or other social groups. The consular officers make decisions based on their level of confidence in the applicant, the information provided, and the stated travel plans. With an active immigrant petition in the system, you need to show the officer that you do not plan to immigrate at this time, and will return to Jamaica after a temporary visit to your family in the U.S. Ultimately, the decision to issue any visa is based on the level of confidence that the interviewing officer has in the applicant in regard to their purpose of travel and intent to return home after.

For additional information regarding all types of non-immigrant and immigrant visas, please visit our website at: http://kingston.usembassy.gov/general_information.html. Applicants are encouraged to apply early in order to allow ample time for processing, especially if you are attending a specific event, such as a sibling’s graduation.